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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/764,103 | 01/23/2004 | Todd L. Demmy | 2944 (203-4027) | 7897 |

7590 04/09/2009
Chief Patent Counsel
United States Surgical,
a Division of Tyco Healthcare Group LP
195 McDermott Road
New Haven, CT 06473

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| EXAMINER |
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SEVERSON, RYAN J

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| ART UNIT | PAPER NUMBER |
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04/09/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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|---------------------------------|-------------|---|---------------------|
| 10764103 | 1/23/2004 | DEMMY ET AL. | 2944 (203-4027) |

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EXAMINER

Ryan J.. Severson

| ART UNIT | PAPER |
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20090408

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Commissioner for Patents

In response to the granted petition to accepted an unintentionally delayed claim for priority, Examiner hereby affirms that this case meets the requirements of 35 U.S.C 119(e) and 37 CFR 1.78(a)(4) and (a)(5). Therefore, this application is granted priority under 35 U.S.C. 119(e) to provisional application 60/466378.

Examiner also notes that the case remains abandoned for failure to respond to the office action mailed 10/19/2006 as confirmed by Christopher Trainor in a telephone conversation on 04/24/2007 and acknowledged by Mr. Trainor in the petition filed 04/10/2008 (see page 3 of 3 of that petition).

ANHTUANT.NGUYEN
SUPERVISORY PATENT EXAMINER

4/8/09.

P.S.
4/8/2009